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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,580	11/12/2003	Paul R. Rux		8983

7590 08/01/2006

Paul R. Rux
5125 MOUNTAIN VIEW DRIVE
LAS VEGAS, NV 89146

EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,580

Applicant(s)

RUX, PAUL R.

Examiner

David H. Bollinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claim 9 is stated as being deleted in applicant's response received 15 May 2006, therefore; claim 9 has been treated as cancelled. Further, the amendments to the remaining claims are not in conformance with current US practice by underlining of text added to the claim and by striking through or employing double brackets to indicate text deleted from the claim. However, in order to expedite the prosecution of the application the examiner has treated the claims as presented in the above mentioned amendment on the merits.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 through 8, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 3, the recitation of "an opening" appears to constitute a double inclusion since an opening has been previous recited in line 1 of claim 1 and it appears the reference in line 3 is intended to refer to the same opening as recited in line 1.

In claim 1 lines 5-9, it is unclear how the strap accomplishes the recited function since insufficient structure has been recited to set forth the structural relationship between the elements of the dispenser to accomplish the stated function.

In claim 2, it is unclear how an opening can have a lower surface, or any surface. Further, it is inaccurate to recite the lower surface and the finger slot as part of

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the opening since these elements are disclosed as located on an access door which has not been recited in the claims.

In claim 4, it is inaccurate to recite the opening has a "finger access slot" since the specification discloses such slot is located in an access door which has not been recited in the claims. Further, it is not understood how an opening can have such a slot.

In claim 6 line 3, it is not clearly understood what constitutes a "suitable surface" as the term "suitable" is unduly vague.

In claim 7 lines 2-3, it is not clearly understood to what the dispenser is to be mounted.

In claim 11, it is unclear what part of the container is angled.

4. Claims 1 through 8, 10 and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. The following is a suggestion to applicant of amendments to the claims which would overcome the above rejections of the claims under 35 USC 112 second paragraph and place the application in condition for allowance. Should applicant wish to adopt these amendments a response to this Office action should copy these amendments exactly as suggested by the examiner.

Claims 2 through 8, 10 and 11 should be amended in the manner as indicated below:

2. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein the ~~opening~~ access door has ~~on its~~ a lower surface to support the lowermost toilet paper roll of the stack and having a finger slot in which a user inserts ~~his/her~~ a finger to pull a toilet paper roll ~~out from the lower surface~~.
3. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein a pivoted lid is provided at on the upper ~~end~~ portion of the container to allow filling of the container.
4. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein the ~~opening~~ access door ~~in the front of the container~~ has a finger access slot into which a finger is inserted to allow the ~~opening~~ access door to be opened, moved between the closed position and the open position ~~the opening being hinged on one side~~.
5. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein the container has a viewing aperture allowing a user to view how many toilet paper rolls are contained in the container.
6. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein mounting holes are provided on the rear of the container to allow the mounting of the ~~unit~~ container on a suitable surface.
7. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein reinforced mounting holes are provided on the rear of the container to allow secure mounting of the container to a surface.

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8. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein the front of the container ~~is in the form of~~ comprises a slideable[[.]] removable faceplate ~~and also comprises the opening for releasing toilet rolls.~~

10. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein toilet paper roll alignment bars are provided on the inside of the container to hold the toilet paper rolls therein in place.

11. (Currently amended) A toilet paper dispensing container as claimed in claim 4 12 wherein the container is includes walls angled so that the container can be mounted in a corner ~~erevice~~ where two walls meet.

Claim 1 should be cancelled in favor of a new independent claim numbered as claim 12 as follows:

12. (New) A toilet paper roll dispenser comprising: a container having an upper portion and a lower portion for containing a stack of toilet paper rolls; an opening in the lower portion through which the lowermost toilet paper roll in the stack is extracted; an access door pivotally connected to the container to move between a closed position to close the opening and an open position to expose the opening and extract the lowermost toilet paper roll of the stack; an extendable strap connected at one end to the access door; a track mechanism slidably connecting the other end of the extendable strap to the container such that when the access door is moved from the closed position to the open position the strap slides in the track mechanism to an extended position so as to be positioned to support the toilet paper roll above the lowermost toilet paper roll thereby holding

the stack in place while the access door extracts the lowermost toilet paper roll and when the access door is moved from the open position to the closed position the extendable strap slides into the track mechanism to a retracted position so that the next toilet paper roll drops by gravity onto the base of the access door into position to be extracted by movement of the access door from the closed position to the open position.

Applicant is reminded that a response incorporating the above suggested amendments should include a complete listing of claims including any a cancelled claims. It is not necessary to include the text of any cancelled claims in the response.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Bollinger whose telephone number is 571-272-

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6935. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 7/24/06
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